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DOERRLER, W.
EXAMINER

34M1/0726

PATENT DEPARTMENT/EVI
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ART UNIT	PAPER NUMBER
3404	7

DATE MAILED: 07/26/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 3-8 and 29-1993 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire three(3) month(s), ____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 1-17 are pending in the application.

   Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☒ Claims 15-17 are allowed.

4. ☒ Claims 1-6 and 10-14 are rejected.

5. ☒ Claims 7-9 are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____.

13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2 and 5 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Kimmel et al or Campbell.

Claims 1, 2 and 5 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Schumacher.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 3, 4 and 6 are rejected under 35 U.S.C. § 103 as being unpatentable over Schumacher. Schumacher discloses applicants' basic inventive concept, a refrigerant oil separator and filter, substantially as claimed with the exception of using a 100 mesh screen$, sealing the filter in place and using a removable cap. A change of screen without a showing of alleged criticality or new and unexpected results is merely obvious design expedience to an ordinary partitioner in the art and not patentable invention. In regard to sealing the filter in place and using a removable cap, Official Notice is taken that sealing filters in place to reduce leakage and using a removable cap to facilitate changing the filter are obvious if not recognized as necessary by an ordinary practitioner in the art.

Claims 10-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Shaw in view of Taylor '986. Shaw discloses applicant's basic inventive concept, an oil separator that returns oil to a compressor, substantially as claimed with the exception of draining the oil to the compressor when not in use. Taylor '986 shows this feature to be old in the oil separation art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Taylor '986 to modify the oil separator of Shaw by adding means to drain the oil to the compressor to reduce startup wear.

Claims 13 and 14 are rejected under 35 U.S.C. § 103 as being

unpatentable over Shaw in view of Taylor '986 as applied to claims 10-12 above, and further in view of Hancock et al. Shaw, as modified, discloses applicants basic inventive concept, an oil separator, substantially as claimed with the exception of a second oil separator, in combination with a filter, a condenser and a storage tank. Hancock et al show this feature to be old in the oil separation art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Hancock et al to modify the oil separating refrigerant reclamation device of Shaw by adding a second oil separator in combination with a filter, a condenser and a storage tank to improve separation and store the separated material.

Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-17 are allowable over the prior art of record.

Any inquiry concerning this communication should be directed to William C. Doerrler at telephone number (703) 308-0696.

Albert J. Makay
S.P.E., Art Unit 344
7/26/93

WCD

W. DOERRLER:lm
July 19, 1993